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Return Receipt Requested

STATE OF TENNESSEE  
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
JOHNSON CITY ENVIRONMENTAL FIELD OFFICE  
2305 SILVERDALE ROAD  
JOHNSON CITY, TENNESSEE 37601-2162  
(423) 854-5400 STATEWIDE 1-888-891-8332 FAX (423) 854-5401

June 11, 2009

Honorable Dennis Deal  
Mayor of Church Hill  
300 E. Main Blvd.  
P.O. Box 366  
Church Hill, Tennessee 37642

RE: Compliance Inspection Report  
Church Hill Municipal Separate Storm Sewer System (MS4) Phase II  
NPDES Permit TNS075701  
**Notice of Violation**

Dear Mayor Deal:

Church Hill, as part of a regulated small municipal storm sewer system (MS4), was required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage and develop a storm water program. Section 4.1.2 of the permit identifies four implementation deadlines. Three of the implementation deadlines will be addressed in the inspection report. The fourth implementation deadline refers to annual reports. The reports must be submitted each year by September 30<sup>th</sup>. The last annual report was received on October 14, 2008.

Section 4.2 of the permit identifies six minimum control measures that must be addressed in the storm water management program. The control measures are: public education and outreach, public involvement and participation, illicit discharge and elimination, construction site storm water runoff control, post construction storm water management and pollution prevention and good housekeeping for municipal operations. The MS4 must identify the best management practices (BMP) for each control measure. For each BMP, the MS4 must also identify measurable goals and implementation milestones. On April 28, 2009, Division personnel met with Mr. David Wood in order to conduct a compliance evaluation inspection of Church Hill's storm water management program. This letter serves to document the inspection and to notify you of a violation. Also note the identified deficiencies.

**NPDES Permit Section 4.2.5.1.3**

*You must develop and implement a set of requirements to establish, protect and maintain water quality buffers in areas of new development and redevelopment*  
This permit condition was not met.

**Public Education and Outreach on Storm Water Impacts**

**BMP 1A: K-12 Educational Materials**

The measurable goal for this BMP is to distribute brochures and pamphlets and give classroom presentations. According to Mr. Wood, brochures are provided to Ms. Rosie Bailey for classroom distribution. The city needs to track the number of brochures and the targeted audience. Please note that your BMP is to develop K-12 educational material. One brochure may not be appropriate for all age groups.

**BMP 1B: Household hazardous waste pickups**

The measurable goal for this BMP is to partner with and advertise for those organizations holding local household hazardous waste pickups. **The city did not meet this BMP.** The following links contain information that may help you meet this BMP in the future.

<http://www.tennessee.gov/environment/swm/pdf/mediakit.pdf>

<http://216.122.45.15/hazwaste.htm>

**BMP 1C: Stormwater Control Measures Education**

The measurable goal for this BMP is to schedule and document presentations at planning commission meetings. According to your NOI, the presentations would cover stormwater runoff, its effect on water quality, safety issues, proper site design and BMPs will be developed for the general public and given at least annually at Planning Commission meetings. **The city needs to review the information provided at the Planning Commission meetings to ensure that the intent of the BMP is met. Also, Planning Commission meeting minutes do not adequately document the presentations.**

**BMP 1D: Commercial Pollution Prevention**

The measurable goal for this BMP is to develop and distribute commercial pollution prevention brochures. According to Mr. Wood, the city distributes "Managing Used Motor Oil" brochures. In the last inspection, Mr. Wood indicated that he held training sessions at local garages. Since the last inspection, all of the local garages have closed since the last inspection.

**BMP 1E: Residential Pollution Prevention**

According to the measurable goal for this BMP, the city will continue to distribute brochures that focus on activities that homeowners can undertake to reduce pollution from stormwater runoff. The city used tax records to identify agriculture properties and then mailed "Clean Water Begins on the Farm" brochures to farm owners. Church Hill should explore other brochure topics in order to reach a wider target audience. Examples from the EPA website were provided. Please refer to the following website for additional topics: <http://cfpub.epa.gov/npdes/stormwatermonth.cfm>

### Public Involvement/Participation

#### BMP 2A: Public Notification

The city indicated in the NOI that they would provide public notice for stormwater management issues as required by local laws and guidance. Public notices for planning commission meetings were available.

#### BMP 2B: Partnerships with local watershed organizations

The measurable goal for this BMP is to initiate city participation in local TVA watershed meetings and other local environmental groups. The city projected they would be co-sponsoring clean-ups by this milestone year. **This BMP has not been met.**

#### BMP 2C: Stream Cleanups

The City indicated in the NOI that they would sponsor and co-sponsor stream cleanups on at least an annual basis. The last stream cleanup was in 2004 when the city partnered with Volunteer High School for a cleanup on Smith Creek. The city is planning a stream cleanup with a Boy Scout troop on Alexander Creek. **This BMP was not met.**

### Illicit Discharge Detection and Elimination

#### BMP 3A: Storm system map

The city completed the storm system map in year five.

#### BMP 3B: Illicit Discharge and Detection Resolution

The city adopted an illicit discharge and detection resolution in December 2004. In a previous inspection, it was noted that the resolution included an exemption for the noncommercial washing of vehicles. The resolution also stated that penalties could include a \$50.00 fine and \$70.00 court costs. Alternative compensatory actions were also identified. The City was informed that T.C.A 68-221-1101 provides municipalities with the authority to establish by ordinance or resolution civil penalties of five thousand dollars per day, for each day of violation, when any person violates any ordinance regulating storm water discharges. It was recommended that the ordinance be amended to meet MS4 Phase 2 requirements. **The city did not amend the resolution.**

#### BMP 3C: Inspection and screening procedures

The measurable goal for this BMP is to develop standard operating procedures (SOP) for use by Planning and Building staff to investigate, enforce and document the Illicit Discharge Ordinance. The SOP is available. During the mapping process one illicit discharge was found and corrected.

#### BMP 3D: Complaint tracking system

The measurable goal for this BMP is to develop and implement a system for tracking complaints from the public and others. The log included two illicit discharge complaints. **Please note that the log should include the resolution of the complaint**

**BMP 3F:** Church Hill staff training

The measurable goal for this BMP is to educate the Church Hill staff on rules, regulations, county resolutions, procedures for inspection, complaint resolution etc. The city stated they would develop an educational program for Church Hill staff utilizing outside sources such as UT and TDEC to provide training. Mr. Wood provided illicit discharge training to staff at the city garage on April 25, 2008.

**NPDES Permit – Section 4.2.3.2**

*You must be able, by ordinance or other regulatory mechanism, to prohibit contamination of storm water runoff from hot spots.*

**This is not addressed in the illicit discharge ordinance.**

**Construction Site Storm Water Runoff Control**

**BMP 4A:** Stormwater, Erosion and Sedimentation Control Ordinance

The measurable goal for this BMP is to evaluate the Stormwater, Erosion and Sedimentation Control Ordinance to ensure it addresses all concerns of Section A. of the NOI. The Ordinance was passed on January 21, 2003. **In a previous inspection, numerous items were identified that needed to be addressed by the city. These items include buffers that are not consistent with the construction stormwater specifications, penalties that do not meet the Phase II requirements and BMPs from a previous permit (see BMP 4B). The ordinance has not been amended to address these items.**

**BMP 4B:** BMPs

The measurable goal for this BMP is to adopt a standard set of BMPs as outlined in the *Tennessee Erosion and Sediment Control Handbook* as published by TDEC. It was noted in a previous inspection that the Ordinance does not specifically reference the *Tennessee Erosion and Sediment Control Handbook* as published by TDEC. The Ordinance does contain BMPs from the 2000 General NPDES Permit for Discharges of Storm Water Associated with Construction Activities. **It was recommended that the city review the ordinance to ensure that the BMPs are consistent with the current general permit. This has still not been addressed.**

**BMP 4C:** Training/information for developers and the public

The measurable goal for this BMP is to identify various levels of training for both developers and the general public. According to the NOI, the city would provide training to the public at planning commission meetings and/or watershed group meetings. Developers would be notified of UT or TDEC training classes and will be encouraged to attend. Mr. Wood states that he calls local contractors and builders to notify them of upcoming training opportunities.

**BMP 4D:** Complaint tracking log

The measurable goal for this BMP is to develop and utilize a complaint tracking system for complaints concerning ESC. At a minimum, time, date, person complaining, incident, location of complaint, and resolution will be tracked. The complaint log was available for review. **Please note that the log should include the resolution of the complaint.**

**BMP 4E:** Drainage plans review

The measurable goal for this BMP is to implement new ordinance standards into the Planning Commission's site plan review process. Drainage plans are required for all developments disturbing one acre or more or those sites that are part of a common development disturbing one or more acres. Mr. Matthew Lane, Lane Engineering, Inc., reviews the plans for the city. Review comments were available for the 11W Walgreens site and Huff Mini Storage site. Full plans were available in Mr. Lanes' Mount Carmel office, but the office was not visited during this inspection.

**BMP 4G:** Inspections

The measurable goal for this BMP is to develop and implement an inspection program for ESC and drainage plan compliance. According to Mr. Wood, no priority construction sites were identified during this inspection period. Mr. Wood routinely inspects the following sites: Volunteer Pointe, Indian Ridge, River Bend Shoals and Wildwood. Inspection forms were available for review. According to Mr. Wood, no enforcement actions have been initiated by the city.

During this inspection, we visited the following sites:

Walgreens-no construction at this time

Church Hill Middle School-no inlet protection, needs additional vegetative cover

Huff Mini-Storage-needs vegetative cover

River Bend Shoals- individual lots without erosion prevention/sedimentation controls

Church Hill Village- completed

Indian Ridge- individual lots without erosion prevention/sedimentation controls

Volunteer Pointe-continue to monitor

**BMP 4F:** Church Hill staff inspector training

David Wood received Level one certification on October 19, 2006 and his Level one certification on December 12, 2006. The certifications expire on December 31, 2009. Recertification information is available at <http://www.tnepsc.org/>.

**Post-Construction Storm Water Management in New Development and Redevelopment**

**NPDES Permit Section 4.2.5.1.1**

*Develop, implement and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal*

*to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts.*

**NPDES Permit Section 4.2.5.1.2**

*Develop and implement strategies, which include a combination of structural and/or non-structural BMPs appropriate for your community;*

**NPDES Permit Section 4.2.5.1.4**

*Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law;*

**BMP 5A:** Post construction runoff control resolutions

Ordinance NO. 08-433 was passed on the first reading, November 18, 2008. The ordinance amends the Church Hill Municipal Code Title 11 Section 3, Stormwater Drainage. This ordinance requires as-built plans for any structures located on-site after final construction is completed. Landscaping and stabilization requirements are discussed. The ordinance states that periodic inspections will be conducted, but does not outline inspection requirements. The ordinance refers to the design or maintenance standards required for stormwater facilities but does not reference the standards. According to Mr. Wood, the city uses "Using Smart Growth Techniques as Stormwater Best Management Practices." The MS4 should review the post construction ordinance to ensure the intent of the permit requirements are being met. Also, the ordinance states that the city may take necessary corrective action to correct a violation of the design standards. Any cost of the action plus administrative/overhead charges of no less than \$200.00 or more than \$500.00 for each incident shall be charged to the responsible party. Mr. Wood was referred to local MS4 Post Construction BMP manuals for review.

**Pollution Prevention/Good Housekeeping for Municipal Operations**

**BMP 6A:** City housekeeping program

The measurable goal for this BMP is to prepare an improvement plan for operations. The plan was available for review.

**BMP 6B:** Pollution Prevention training

The measurable goal for this BMP is to develop a training program encompassing all city laws, county laws, state laws, ESC, illicit discharge, post-construction, litter management, pesticide/herbicide application and management, Class V injection wells, agricultural runoff control, vehicle maintenance, used oil, spill response, open dumps, and proper materials storage. According to Mr. Wood, he provides training to city personnel.

The city garage was visited as part of this inspection. The following items were noted:

- 55-gallon drums were observed at the garage. The contents were unknown. The City should contact the Division of Solid and Hazardous

Mayor Dennis Deal

June 11, 2009

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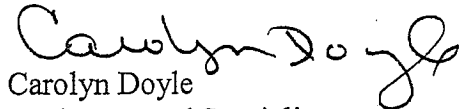
Waste Management for information regarding the proper disposal of the drums.

- Pesticide is stored in the wash bay. The potential exists for a spill that could enter a nearby storm drain or impact the wastewater plant.
- A cooling water discharge hose was observed discharging outside the building.
- A large oily area was observed on the ground. City personnel indicated that this was from an earlier spill.
- We observed an open pail containing transmission fluid and water.
- The funnel to the waste oil container was covered with a bucket.

A follow up inspection was conducted on May 1, 2009. The items had not been corrected. Refer to the attached photographs. Please notify the Division when the items are corrected.

I would like to thank Mr. Wood for his time and assistance during this inspection. If you have any questions regarding the inspection, please contact me by phone at 423-854-5432 or by e-mail at [Carolyn.doyle@tn.gov](mailto:Carolyn.doyle@tn.gov).

Sincerely,



Carolyn Doyle

Environmental Specialist

Division of Water Pollution Control

Johnson City Environmental Field Office

CD/15049162

cc: DWPC, Enforcement and Compliance Section, Nashville Central Office  
David Wood, City of Church Hill, P.O. Box 366, Church Hill, Tennessee 37642



United States Environmental Protection Agency  
Washington, D.C. 20460

## Water Compliance Inspection Report

### SECTION A: National Data System Coding (i.e., PCS)

Transaction Code N 5	NPDES TNS075701	YR/MO/DAY 09/6/9	Inspection Type >	Inspector S	Facility Type 1
Remarks					
Inspection Work Days 4.0	Facility Self-Monitoring Evaluation Rating 3	BI N	QA N	Reserved	

### SECTION B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) City of Church Hill MS4, Phase II PO Box 366 Church Hill, TN 37642	Entry Time/Date 28/09/04 8:20 AM	Permit Effective Date 03/9/18
	Exit Time/Date 09/04/29 5:15PM	Permit Expiration Date 2008/02/26
Names of On-site Representative(s)/Title(s)/Phone and Fax Number(s) David Wood, Stormwater Manager (423)676-1526 phone	Other Facility Data (e.g., SIC NAICS, and other descriptive information)	
Name, Address of Responsible Official/Title/Phone and Fax Number Honorable Dennis Deal, Mayor (423) 357-6161 phone (423)357-8559 fax Contacted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

### SECTION C: Areas Evaluated During Inspection (Check only those areas evaluated)

x	Permit		Self-Monitoring Program		Pretreatment	x	MS4
x	Records/Reports		Compliance Schedules		Pollution Prevention		
x	Facility Site Review		Laboratory	x	Storm Water		
	Effluent/Receiving Waters	x	Operations & Maintenance		Combined Sewer Overflow		
	Flow Measurement		Sludge Handling/Disposal		Sanitary Sewer Overflow		

### SECTION D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

See letter.
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Name(s) and Signature(s) of Inspector(s) Carolyn L. Doyle	Agency/Office/Phone and Fax Numbers TNDWPC/JCEFO/423-854-5432 Fax-423-854-5401	Date 6/9/2009
Signature of Management/QA Reviewer  Jeffrey K. Horton	Agency/Office/Phone and Fax Numbers TNDWPC/JCEFO/423-854-5447 Fax-423-854-5401	Date 6/9/09